

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KENNETH D. IRWIN, SR., and REVA	:	CIVIL ACTION
JOAN IRWIN, Individually and as	:	
Administrators of the Estate of	:	
KENNETH D. IRWIN, JR., deceased	:	
Plaintiffs,	:	
	:	
vs.	:	
	:	
NATIONAL ASSOCIATION FOR STOCK	:	NO. 02-3335
CAR AUTO RACING, INC., d/b/a	:	
“NASCAR,” SABCO RACING INC.,	:	
and CHIP GANASSI RACING WITH	:	
FELIX SABATES, d/b/a SABCO	:	
RACING, INC.	:	
Defendants.	:	

**O R D E R**

AND NOW, this 24<sup>th</sup> day of October, 2002, upon consideration of Defendants' Motion to Dismiss Plaintiffs' Writ of Summons (Document No. 2, filed May 30, 2002), following a telephone conference with the parties, through counsel, on October 24, 2002, **IT IS ORDERED** that Defendants' Motion to Dismiss Plaintiffs' Writ of Summons is **DENIED**.

**IT IS FURTHER ORDERED** that plaintiffs shall file and serve a Complaint on or before November 14, 2002. The filing of a Complaint at this stage of the proceedings is **WITHOUT PREJUDICE** to plaintiffs' right to seek leave to amend the Complaint after completion of relevant discovery. One (1) copy of the Complaint shall be served on the Court (Chambers, Room 12613) when the original is filed.

**IT IS FURTHER ORDERED** that defendants shall file and serve their response to the Complaint within the time provided under the Federal Rules of Civil Procedure.

**BY THE COURT:**

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JAN E. DUBOIS, J.

